

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 18-55127

JAMES M. BARNETT,  
and  
PATRICIA E. BARNETT,

Chapter 7

Judge Thomas J. Tucker

Debtors.

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**ORDER DENYING THE DEBTORS' MOTION  
TO EXTEND THE AUTOMATIC STAY,  
AND CANCELLING THE DECEMBER 5, 2018 HEARING**

This case is before the Court on a motion by the Debtors entitled "Motion to Extend the Automatic Stay" (Docket # 13, the "Motion"). The Motion currently is scheduled for a hearing, to be held on December 5, 2018 at 9:00 a.m. But the Court now concludes that the hearing is not necessary, and that the Motion must be denied, for the following reasons.

The purpose of the Motion is for the Debtors to avoid the automatic stay terminating with respect to them ("with respect to the debtor[s]") under 11 U.S.C. § 362(c)(3)(A), at the end of the 30-day period following the petition date. But under the order denying the Debtors a discharge in this case, entered two days ago (Docket # 28, the "November 28 Order"), and as that Order explicitly says, the automatic stay is terminated, as to the Debtors, upon the denial of their discharge. That Order states, in relevant part: "IT IS FURTHER ORDERED that, consistent with 11 U.S.C. §§ 362 (a) and 362(c)(2)(C), the automatic stay under § 362(a) of any act other than an act against property of the estate is terminated." Because the automatic stay has already terminated, with respect to the Debtors, the Debtors' motion to extend that stay under § 362(c)(3) is now moot.

Accordingly,

IT IS ORDERED that the Motion (Docket # 13) is denied.

IT IS FURTHER ORDERED that the hearing on the Motion, currently scheduled for December 5, 2018 at 9:00 a.m., is cancelled.

**Signed on November 30, 2018**



/s/ Thomas J. Tucker

Thomas J. Tucker  
United States Bankruptcy Judge